

MINUTES
Planning and Zoning Commission & Architectural Board of Review
City of Willoughby Hills, Ohio

December 6, 2018

CALL TO ORDER 7:00 P.M

PRESENT: Vice Chairman John Lillich, Mayor Robert Weger,
 Councilman David Fiebig, Michael Kline and James Shannon.

ABSENT: Chairman Christopher Smith and Jonathan Irvine.

ALSO PRESENT: City Engineer Pietro DiFranco, BZA Representative Frank Cihula
 and Clerk Katherine Lloyd

MOTION: Councilman Fiebig moved to excuse the absence of Christopher Smith
 and Jonathon Irvine.
 Seconded by Mayor Weger.
 Voice Vote: Ayes Unanimous.
 Motion Passes: 5/0.

MOTION: Councilman Fiebig moved to appoint James Shannon as the Vice Chairman *pro tem*
 for tonight's meeting.
 Seconded by Mayor Weger.
 Voice Vote: Ayes Unanimous.
 Motion Passes: 5/0.

Correspondence:

- Email dated 11/19/18 from City Engineer DiFranco RE: Time Extension for True North Energy at 34750 Chardon Rd
- Email dated 11/19/18 from Asst. City Engineer Trepal RE: New house at 2923 Lynn Dr.
- Email dated 11/19/18 from Asst. City Engineer Trepal RE ±782 SF Addition at 38755 Berkshire Hills Dr.
- Email dated 11/21/18 from Asst. City Engineer Trepal RE: New House within a Floodway at 37630 Milann Dr.
- Email dated 11/27/18 from Asst. City Engineer Trepal RE: In-Ground Pool at 29483 Sayle Dr.
- Email dated 11/29/18 City Engineer DiFranco RE: Preliminary Approval of a Similar Use for Produce Packaging Inc. at 27853 Chardon Rd.

Disposition of Minutes: **Meeting of November 15, 2018**

MOTION: Councilman Fiebig moved to accept the Minutes of November 15,
 2018 as submitted.
 Seconded by James Shannon.
 Voice Vote: 4 Ayes and 1 Abstention (Kline).
 Motion Passes: 4/0.

ARCHITECTURAL BOARD OF REVIEW

Public Portion opened at 7:03 P.M.

No Public Input.

Public Portion closed at 7:04 P.M

1.) Jacob & Amanda Glumm

Agent/Contractor: Skoda Construction.

2923 Lynn Dr. – New House - PPN: 31-A-007-F-00-014-0

Plans received by City Engineer 11/12/18

Plans reviewed by City Engineer 11/12/18

Present: Mike Skoda (Skoda Construction).

Owner/Representative Comments:

Samples for the new home were shown. Roof color is Moiré black. The double 4-inch siding is Oxford blue. The stone picked is Cobblestone Grey. All the windows and doors will have 1" x 4" white trim. There will be cultured stone to grade. It will be wrapped 2 feet.

City Engineer's Comments (DiFranco):

- They addressed all of our comments.
- The house is along the river or stream so they are staying behind the Riparian setback.

Board Comments:

(Lillich) Will the cultured stone to grade be 360 degrees around the whole house? *It is just on the front with the 2-feet return on the sides.* We require brick or something about grade to be 360. *Okay, does it make a difference that it is a poured wall foundation with a brick pattern?* If it has the brick pattern in it, that's good. *Okay.* If you wish to paint it, the color should be compatible with the cultured stone. *Okay.* You have already addressed the trim around the windows.

(Shannon) This is a good model. *It is a plan they bought online that they really liked. It shows that it drops off but it is actually a flat piece of property. The plans show a generic elevation. There is no drop off.*

(Fiebig) That was my concern that there was a drop off but it is flat? *It is flat.* So the exposed concrete block will be painted? *The poured wall comes in a gray concrete color. If you want us to paint it, we could.* The concern is that it matches.

(Lillich) If he does paint it, the color will be compatible with the stone. *(Skoda) For clarification, you want the cultured stone all of the way down the sides of the house?* We prefer to have it all of the way around. *The homeowner would like to do the 2-feet return.* Okay, but then make the brick stamped pattern in the poured concrete a compatible color. *Of course.*

(Fiebig) This 'Jarret' model will be a nice addition to the neighborhood.

MOTION: Councilman Fiebig moved to approve the New House at 2923 Lynn Dr. as submitted.
Seconded by Mayor Weger
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0.

2.) Jim Walsh

Agent/Contractor: TBD

38755 Berkshire Hills Dr. - ±782 SF Addition - PPN: 31-A-009-B-00-011-0

Plans received by City Engineer 11/14/18

Plans reviewed by City Engineer 11/14/18

Present: Joe Linek (Linek Studio, Ltd.) and W. James Walsh (Owner).

Owner/Representative Comments:

- Photos of the existing house were passed around for the Board.
- We plan a single story, age-in-place addition off the rear of the existing house. The intent is to match the existing siding, roof, windows and trim materials on the house. Shingles are Landmark Pro Certainteed. The whole building will be re-shingled (Sample shown). Windows are aluminum clad Pella Architect series. Trim is painted cedar to match existing. The current siding is 8-inch aluminum. We plan to use 8-inch aluminum siding or cedar to match the existing. The foundation is a painted block with poured concrete slab. There will be a small stained pergola off one area.
- Renderings of each elevation were shown and explained.

City Engineer's Comments (DiFranco):

No Comment

Board Comments:

(Fiebig) Will the gutters be that color? *The gutters will match the existing white gutters. The rendering was drawn without gutters.*

(Walsh) You asked about the roofing. We held off re-roofing until it all could be roofed at the same time.

(Fiebig) It all seems to match and blend so it looks like it was built that way. *That is our intent.*

MOTION: James Shannon moved to approve the ±782 SF Addition at 38755 Berkshire Hills Dr.
Seconded by Michael Kline.
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0.

Additional Discussion:

(DiFranco) Mr. Linek will contact the City Zoning Administrator for the Zoning Certificate.

(Walsh) For the record I want to say what a pleasure it was to work with Joe Linek. He is a professional. He did not just echo what we asked for. He provided a loop-back mechanism. We ended up with a much more efficient layout.

3.) Phoenix Cooke

Agent/Contractor: TBD

Architect: Joseph L. Myers

Engineer: Dave Novak. Barrington CGI

37630 Milann Dr. – New House within a Floodway - PPN: 31-A-009-A-00-028-0

Plans received by City Engineer 11/21/18

Plans reviewed by City Engineer 11/21/18

Present: Zak Hill (representing Phoenix Cooke) and Joe Meyers (Architect).

Owner/Representative Comments:

- This house will be in the Floodplain so it is built up above base flood elevation. The house itself was approved at a previous meeting.

- The structure for the septic system will sit behind the house. It also must be built above the base flood elevation. The Board wanted to see what the structure and plans would look like.
- The little shed will be constructed with the same roof shingles and siding as the house. It will have masonry walls. The septic tank is buried in the dirt within the masonry walls. The ground itself is raised above the base flood elevation with the structure built over the top. When you enter through the door, you go down through the floor to get to the tanks.

(Lillich) Will these be poured walls? *No, they are masonry walls covered with Thoroseal like the house is. The Thoroseal is tinted so it looks like a stucco.*

(Shannon) The tank inside will be constantly cleaning? *Yes.*

(Lillich) There is a diagram of the mechanicals for that in the plans. *It goes down to an ejection pump at the lower level of the house and gets shot up to the tank.* This is one of the things we asked for the last time you were here.

City Engineer's Comments (DiFranco):

They did add the six shrubs along the south property line to provide screening for the neighbor. They have addressed all of our comments.

Board Comments:

(Lillich) I have a question left over from last meeting. There are three yard drains that also drain from that line from the sanitary. What size is the pipe? *The pipe is 6 inch.*

(DiFranco) That is correct. It is 6 inch.

(Shannon) Will you be leaving any of the trees? (Lillich) They have a list of what they are taking out.

(Lillich) My concern is that I have lived in the valley 70+ years. I have been through many floods. After a flood, you end up with several inches of river silt. Usually we try to slow the run-off to the river, not speed it up with drains. Silt will eventually fill the drains and perhaps the pipe itself. It will take maintenance to keep them open. Last time a rain garden was suggested. *It was discussed.* Slowing the run-off and retention basins are flood control measures, especially for the people downstream. That is what has been happening on the river corridor for the last 20 years. I am not in favor of anything that will speed run-off to the river.

(DiFranco) There is a line from the septic tank to the river. That has to stay. From a City engineer's standpoint, regarding the two inlets along the north property line we want to avoid adversely affecting the neighboring property. Even though they own the neighboring property, they could sell it. We would need either the inlets or a swale. But a swale might result in more trees being removed.

(Lillich) The other problem is drainage from the road is on the opposite side of the road from him. Water coming off the road sheds down onto this property. I am concerned about downstream flooding.

(DiFranco) That is a good point. Regular maintenance will be required because the septic tank is tied into that pipe.

(Lillich) You will not have the flow through the other two lines that you do from the septic system. During a flood, the house to your immediate right lost 150 feet of property. The river cut a new channel.

MOTION: Councilman Fiebig moved to approve the New House within a Floodway at 37630 Milann Dr. submitted.
Seconded by James Shannon.
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0.

The Zoning Certificate will be emailed to the architect by the City engineer.

- 4.) Joe Terranova
Agent/Contractor: Ron's Pools & More
29483 Sayle Dr. – In-Ground Pool - PPN: 31-A-006-J-00-007-0
Plans received by City Engineer 11/26/18
Plans reviewed by City Engineer 11/27/18

Present: Ron Shelling (Contractor)

Owner/Representative Comments:

It is a still wall with liner, 20x40 in-ground pool in the backyard. There will be a concrete patio with floater pad and a 6-ft. black wrought iron fence with locking gates. GIS image showing the back of the house was passed around

City Engineer's Comments (DiFranco):

It is a little unclear. How much concrete deck is going around the pool? *There are concrete steps coming down from the wooden deck to the pool deck. It will be 4- 6 ft. from the bottom of the last step to the pool depending on the riser. On the back end of the 14-16 ft. side will be a fire pit. There will also be a 7-ft. sun ledge. (The blow up shown and explained).*

Board Comments:

(Fiebig) Will there be shrubs around the equipment pad? *Per discussion with the other builder, there will be a white picket painted fence. Is that on the plan? On the drawing, it is shown a '3-ft. high shield'. The equipment is 2-ft high.* The concern is that it is a direct line of sight with the neighbors.

(Lillich) The neighbor has a hedgerow right along the property line. It is barely seen in the photo. It goes all the way to the back.

MOTION: Councilman Fiebig moved to approve the In-Ground Pool at 29483 Sayle Dr.
Seconded by Mayor Weger.
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0.

The contractor will call the City Engineer for the Zoning Certificate and then take it to Lake County for the Electrical Permit.

PLANNING COMMISSION

Public Portion opened at 7:37 P.M.

No Public Input

Public Portion closed at 7:38 P.M.

- 1.) True North Energy
Agent/Contractor: Rick Turner, Diamond Z Engineering.
34750 Chardon Rd – Time Extension for True North Energy - PPN: 31-A-006-F-00-001-0
Plans received by City Engineer 11/7/18
Plans reviewed by City Engineer 11/19/18

Present: Rick Turner, Diamond Z Engineering.

Owner/Representative Comments:

This is an application for an extension of the time extension of the existing permit. There are no changes. True North could not get everything done as projected this year. This project is planned for about April 15, 2019. That will also be weather-dependent.

City Engineer's Comments (DiFranco):

No Comments.

Board Comments:

(Lillich) This is the Shell station at Rt. 6 and Rt. 91 that will be demolished A newer type of building will be put up. It has already been approved but time ran out.

MOTION: Councilman Fiebig moved to approve the Time Extension of the Permit for True North Energy at 34750 Chardon Rd. as requested.
Seconded by James Shannon
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0.

2.) Bishop Castle.

Agent/Contractor: N/A

27853 Chardon Rd. – Preliminary Approval of a Similar Use for Produce Packaging, Inc.

- PPN: 31-A-008-0-00-018-0

Plans received by City Engineer 11/28/18

Plans reviewed by City Engineer 11/29/18

Present: Tony Vicante (Land Use Counsel on behalf of Produce Packaging, Inc.),
Greg Fritz (Pres., Produce Packaging, Inc.) and Rick Turner, Diamond Z Engineering).

Owner/Representative Comments:

Mr. Vicante distributed booklets of information to be referred to during presentation. He stated that the applicant looks to relocate to the vacant SAM's Club building.

- In order to do that, they seek a Similar Use approval for Produce Repackaging. The property is located in the B-3 High Density Mixed Use District. Produce Packaging is not an identified use in this district.
 - Under Section 1137.07 of the Zoning Code, which governs the purposes of the Commercial Districts, two purposes are particularly relevant:
 - Subsection (a): To provide in appropriate locations, sufficient areas for business activities and the exchange of goods and services.
 - Subsection(c): To provide for various economic development options that strengthen the diversity of uses found in the City.
 - Testimony presented today will show that this Similar Use promotes both of these purposes in this zoning district.
 - Produce Packaging, Inc. (PPI) has two primary areas of business: cutting up fresh produce after it is received and repackaging and distributing it to its business customers. Those customers include grocery stores, school districts, food processors and other similar industries.
- As part of the Similar Use, they are also requesting a fueling tank as an Accessory Use. In order to remain competitive in this produce packaging business, that is a typical and

customary Accessory Use. A tank makes it economically viable to refuel their own trucks for distribution with regard to their business customers.

- They would invest about 4 million dollars into this vacant location. It would be a substantial upgrade and a substantial benefit. It would be an economic opportunity for the City.
- It would bring 300 jobs to the area which includes increased revenue to the City. Over the next 10 years, we estimate over \$12 million dollars in projected revenue to the City. We believe this does further the public purpose.

They seek Similar Use under Section 1115.10 (a): A proposed use may be permitted as a similar use if it is determined that such proposed use is would be in compliance with the following Use provisions:

- (1) The proposed use is not prohibited in any other district. *This proposed use is not identified anywhere in the zoning code.*
- (2) The proposed use is not listed as a permitted use in any other district. *Produce packaging is not listed as a permitted use in any other zoning district.*
- (3) The proposed use conforms to and is consistent with the purpose statement of the proposed district more appropriately than in any other district. *They believe it furthers the intents and purposes identified earlier for the commercial zoning district.*
- (4) The proposed use is of the same general character as the permitted uses in the district to which it is proposed or is similar to a specific use permitted in that district. *This is a High-Density Mixed Use District. They propose an interesting mix of uses – produce repackaging, office and administrative space. There has been some discussion about retail in a small portion of the space in the future but it is not definite. The existing structure has loading docks. Only a certain number of types of uses can go into 'big box' stores. Shopping centers are struggling with that. This is a near perfect match for this location.*

Items in the information packet were highlighted.

- Tab #1 has an aerial view of the property from the Lake County Auditor's site.
- Tab #2 has various Google street views of the subject property. 1st view looks west. 2nd view, looking northwest at the property there is a large parking area and the vacant structure. 4th view looks west behind the building where the loading docks are. The loading docks are more clearly identified on the next page. The last page looks east behind the building the other way.
- Tab #3 has the original submittal from PPI concerning a zoning application for the potential retail, the business service use and the produce packaging.
- Tab #4 is the response that PPI received from Mr. DiFranco advising the Similar Use procedure and providing some comments for PPI to respond to.
- Tab #5 is the PPI response to those comments.
- Tab #6 is the reply by the City.
- Tab #7 is the revised plan that was submitted 12/6/18. It shows the proposed lot split line across the parking lot. A formal lot split plat will be submitted later for a proper approval.

Mr. Fritz provided the Board with his background and what PPI does.

- His great-grandfather started the produce business. The family has three produce companies. The Sanson Company of Cleveland, a wholesale company, has been in business for over 100 years. His father has a potato and onion packing plant in Bellevue, Ohio.
- After Miami University, Mr. Fritz went into the Navy and became an engineer. After the Navy, he started a value-added division in the business where they sort and repackage the produce. Giant Eagle asked them to do the fresh-cut processing in 1994. That has been growing ever since.
- This will be their 4th and hopefully their last move. We need more room for trucks. They deliver all of their own product to Philadelphia, Rochester, Lansing, Columbus, Cincinnati, etc. every other day. Their major customers are Wegman's (NY), Heinen's, Nestle, Aldi, etc. Once they have more room, they can expand.

- They have 300+ employees now. Some will make the move but new employees will be added from this area.
- Mr. Fritz confirmed he has reviewed the materials submitted to the Planning Commission and that generally they are true and accurate. He does state that the purchase agreement for the building and property itself is 3.2 million dollars. He anticipated 4-5 million dollars of improvements.
- Upgrades for the property: There will be minor work in the parking lot. The building itself needs a new roof. It will be an insulated roof to provide for the various coolers inside. Inside there will be about 50,500 sq. ft. of coolers at different temperatures. Different types of produce require different temperatures. The main expense will be a very large processing room. They need to dig up the floor to install new drains under the floor and put up new wash-down cooler panel walls and ceiling. It will be a 'clean room'. In other parts of the building, they will store produce and packaging materials in clean areas. Lighting will be updated. They will also have a breakroom, training room, offices, locker room, etc.
- Utility issues in current locations: We have problems with power outages. We got a big generator. We will probably install a generator in the new location to be certain we can keep coolers at consistent temperatures. We grind up a lot of produce waste. We have two large grinders. Then the produce waste goes into the sewer which saves a lot of money. It is also a lot cleaner than dumping it. We do that in Cleveland. We just learned that Euclid will need to approve it.
- Any Environmental Impacts on Adjacent properties: We are a very, very clean operation. They have many inspections. Some of their customers send an auditor to make sure we are clean. We get a third party, Global Safety Audit annually. These standards and certification are required in order to sell to many of our customers. The FDA makes impromptu inspections. We need to be always prepared 100%. They have a full time Food Safety Manager who has a crew of right people who 'police' the operation at all times. We will be a good neighbor to everybody.
- Any Outdoor Trash Areas or Food Compacting: I learned a week ago that everything needs to be screened. We can certainly screen the dumpster.
- Need for the Fueling Tank as an Accessory Use: They buy most of their fuel at retail. About a year ago company to come in to fill up the trucks at our facility. That way we are not paying the drivers to stand during fueling. The fuel is still at retail, more or less. With our own tank, we could buy fuel wholesale. That would save \$50-60,000/year. That saved money would help pay improvements on the new building.
- Is it customary in your industry to have your own fuel tank as an Accessory Use? My uncle and my dad have their own tanks.
- How many deliveries would be involved? They applied for a 12,000 gallon tank. At current usage of 2700 gallons/week, they would take two deliveries / month. They would be flexible on tank sized in order to get a tank.

Mr. Turner provided the Board with his background and discussed the health and safety requirements.

- Diamond Z Engineering concentrates on petroleum work, dispensing and storage of fuel for emergency generators and storage of fuel for uses such as offloading for other uses inside the building. They deal with above and below ground storage tanks, from 500 to 100,000 gallons.
- Mr. Turner has worked with Diamond Z for about 7 years. Before that, he worked for British Petroleum for 25 years. He has good knowledge of fuel dispensing and storage systems.
- Having fuel onsite for the PPI vehicles makes perfect sense. Many of their clients do that. Many of the clients in commercial industry, unlike retail industry, like to have their tanks above ground. They can see the tanks, see no leaks and see the piping and dispensing.
- Size and Placement of the tank: The standard tanker truck holds 8,000 gallons. If you get a full load, you get a better price. The size of the tank should be large enough to take the full load and still have working volume so you do not run out. They would locate the tank near the loading docks. Type of tank suggested is a UL 285 which is a Fireguard tank. It has a 2-hour fire resistant

rating which allows someone to go within 15 feet of a building and within 25 feet of the property line. It is appropriate for this type of installation. The tank is double wall which allows it to be monitored to be sure it is not leaking. Putting a fence and bollards around it makes it secure and safe.

City Engineer's Comments (DiFranco):

- Do you need any type of spill containment? *The tank itself is the spill containment for the tank storage. If it is above ground piping, it could be single wall because it is visible. If piping is underground, you would use double-wall piping. It could also have sensors on it.*
- What type of permitting is needed besides City permitting? Above ground tanks require a permit from the State Fire Marshall unless Willoughby Hills has delegated authority. It is diesel? *Yes, diesel is a very different product than gasoline.*

(Shannon) How physically large is the tank? What are the dimensions? *A 12,000 gallon tank is approximately 10 ft. diameter and about 25 ft. long. The fencing is a type of screening as well? It can be.*

- The Code does not allow it to be a chain-link fence. It would need to be board-on-board or masonry type wall.

Board Comments:

(Lillich) This is the type of thing we need to see when you come back for permitting. Also, when Sam's Club was there, the residents of Bishop Park Apartments had a problem with trucks idling in the middle of the night behind the building. You are estimating 25 trucks in and out per day? *That could be. If we do start getting complaints, there needs to be a method of dealing with it. (Fritz) I also just saw the noise ordinance. We hired a company from Cincinnati that will monitor our current facility next week to be certain that we comply with those. If we comply with those, we should be okay.*

[Mr. Fiebig shared a Google photo of the property on his tablet shared with the Board.]

(Cihula) Will the above ground tank be on a concrete pad? *Yes, it will. With curbing containment? Typically, the containment is the double-walled tank. The above-ground fuel tanks at the Metro Parks are required to be on a concrete pad with curbing to contain a spill. But they are not double tanks. Curbing is a requirement if you have a single-wall tank. It provides a dike that will hold 110% of the volume in the tank. The tanks this size are typically horizontal to allow openings on top of the tank for the pumping unit, venting, emergency venting and metering. If the tank is vertical, the openings are a lot less accessible.*

(Lillich) We are acutely aware that retail in these small shopping centers is gone and it is disappearing in some of the big ones. I spent a day at a Planning Conference learning about the coming changes. We have been discussing the types of zoning changes that we need to make to bring difference types of businesses into these retail strips. I think PPI will fit. *In case this does not work, we do have a couple other options. Willoughby Hills is a safer neighborhood and it is right off the highway. It is very convenient for our trucks.*

City Engineer's Comments (DiFranco), continued:

- Mr. Vicante and I have been discussing this fuel tank. Initially we looked at whether it could be considered an Accessory Structure for this use. Examples of Outdoor Storage in the Code would be 'grocery store – storage of vegetables' and 'clothing store - storage of clothing'. We would have interpret the Code as 'Diesel Fuel Tank as an Accessory Use of Produce Packaging'. Just before the meeting today I found a section of the Fire Prevention Code that says above ground storage fuel tanks can only be approved by the Bureau of Fire Prevention of the Fire Department and the BZA. Approval of the tank would have to be approved the Fire Department and BZA, not the PCABR.

(Lillich) So this would need to be reviewed by the Fire Chief.

- PPI is a good use for this building and this area. The use they describe of 'office, retail and produce packaging' is unique. It is not included in any other district and it fits well in that area because it is all contained in the building. I would recommend a Preliminary Approval as a "Similar Use" contingent upon addressing the rest of my comments and having the lot split plat approved. They have done a great job of addressing most of them. We are still working on a few of the comments.
- The parking space count needs clarification. I do agree with the applicant regarding the 70% coverage; so that comment is no longer valid. *The parking counts were updated in the revised plan submitted today and have confirmed that they are accurate. The count is only for Parcel B-1. It does not include the remainder parcel.*
- Signage will be a separate submittal; so it is not included with this approval.
- They have contacted the Euclid Waste Water Treatment Plant (EWWTP). I have also spoken to EWWTP. So Euclid is also looking into what is included in their waste. They will work with Euclid to get that approved.
- Screening the trash area has been addressed.

If the Board agrees and issues a Preliminary Approval today, they would need to go to a Public Hearing and then a Final Approval from this Board.

During the interim, they could go to BZA for the Fuel Tank if they choose. *(Vicante) For confirmation, if it was an underground tank, would you agree with my interpretation that we would not need to go the BZA? This Code is specific to aboveground tanks. I would have to confirm that.*

(Lillich) I can see where they would not want to pursue this any further if they did not get Preliminary Approval tonight. I would like to see them be able to go ahead and pursue permits they need from Euclid, the Fire Department, State Fire Marshall, etc.

(Fiebig) Regarding in-ground vs. above-ground, do you know the cost difference of each? *(Turner) They are similar. The underground may be a little more expensive to install. An in-ground tank would be buried, no hazard and no road block. We did discuss this before the meeting. We will get a quote on that as well.* This was an excellent presentation. It would be a near perfect match. I agree that it is a good idea to retrofit shopping areas to this type of use. It is a very clean operation. It would be great for the City economy.

MOTION: Councilman Fiebig moved to grant Preliminary Approval of a Similar Use for Produce Packaging, Inc. at 27853 Chardon Rd.

Additional Discussion:

(Cihula) Regarding the in-ground fuel tank, do you have sufficient storm drainage and fall to be able to be able to drain the pit that the tank would go in? *(Turner) The tanks are tied down deep enough with a concrete pad over them so buoyant force is counteracted.* The tank has to be filled so it does not 'float'. The float pressure of the size of the proposed tank is tremendous.

(Lillich) Regarding above ground vs. in-ground, any leak or spill from an above ground tank is much less expensive than if it is in-ground. Soil would need to be removed and tested and treated as hazardous waste. An above ground tank can be put behind the building and screened. *An above ground tank has been recommended as less hassle in the long run.*

Seconded by Mayor Weger.
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0.

Further Discussion:

(DiFranco) We should talk about the schedule. The BZA only meets once a month. Its next meeting is January 8, 2019.

(Cihula) The deadline for the January meeting in December 11, 2018. Within 6 days, a complete submission of the application and information must be submitted. Nothing can be dropped on the desk on the day of the meeting. It would be tight getting all the information for the January meeting. It needs to be advertised 10 days before. Letters need to be mailed to residents within 500 feet of the property. It might be worthwhile to do the Lot Split before advertising the BZA meeting. That may narrow down the notification area.

(Lillich) The Public Hearing will be longer than the BZA meeting.

(Shannon) Time is money. *(Fritz) I am supposed to close by the end of January, assuming that I get all the approvals from the City. That includes the Zoning and the Economic Incentive from the City. An extension could be possible but it would be expensive. (Vicente) We can submit whatever information that is needed as soon as possible. The BZA just deals with the above ground Fuel Tank. We would not need to go to the BZA if it is an in-ground tank.*

(DiFranco) What information would the BZA need? *We need the construction drawings, details of the concrete pad, curbing if there is any, the Fireguard details and all of the specifications. We are concerned with integrity and leakage.*

(Lillich) You would probably have video monitoring.

(Fiebig) The reason for the 30 days seems to be primarily for the notifications. *We need time to prepare the list of residents. With the current lot configuration, that is a big mailing list.*

(DiFranco) They will not be able to get the lot split done in their time frame. So the information needs to be submitted for the January BZA. The next question would be scheduling the Public Hearing. The next meeting for Planning Commission is December 20, 2018 or the Public Hearing could be held at the January 3, 2019 meeting.

(Fiebig) The City has a tank used for the Police cruisers and the Service trucks.

(Weger) It is an in-ground gasoline tank and we have two new double wall diesel tanks. We used to have the containment but we replace the tanks about a year ago. The permitting for the in-ground is so expensive every year we are talking about removing the in-ground and replacing it with a double wall above ground.

(DiFranco) We do not have enough time to have the information and the advertising done for a Public Hearing at the December meeting. January 3, 2019 will be the Public Hearing. Final Review could be scheduled for the same January 3rd meeting

(Fiebig) I would not anticipate a public outcry about a business that will bring such benefit to the City, especially with the safety of design of the new tanks. The Ordinance was put in place in 2002. Has technology changed since 2002? *(Turner) I would need to check when the latest tanks came out. There is a \$60-70,000 difference with the diesel fuel. At some point, the police cruisers went to the retail gas station because the cost was less.*

(Weger) The City does not need to pay the retail tax which was a big savings. But the cost fluctuates.

(Cihula) The above ground tanks would only be diesel. That would be another benefit.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

MAYOR'S REPORT

No Report.

COUNCIL REPRESENTATIVE'S REPORT (Fiebig)

Regarding this business, the Council had a Finance Meeting last night. The Economic Incentive was discussed. That will go to the next council meeting. Council is aware that the applicant wants to have things decided before the end of January.

BUILDING COMMISSIONER'S REPORT (DiFranco)


No Report.

CHAIRMAN'S REPORT (Smith)

No Report.

MOTION: Mayor Weger moved to adjourn the meeting.
Seconded by Councilman Fiebig
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0

Meeting Adjourned at 8:35 P.M.


Clerk


Chairman
20 DEC 2018
Date Approved